

APPLICATION FOR PERMIT

Serial No. 9877

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL -6 1935
Returned to applicant for correction _____
Corrected application filed _____

The undersigned Chas C. Derby
Name of applicant
of San Jose, County of Santa Clara,
State of California, hereby make application for
permission to appropriate the public waters of the State of Nevada, as
hereinafter stated. (If applicant is a corporation, give date and place
of incorporation.)

1. The source of the proposed appropriation is _____
Name of stream, lake, or other source
2. The amount of water applied for is _____ second-feet.
One-second-foot equals 40 miners' inches
3. The water to be used for _____
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
(Application to change the point of diversion. See
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
supplemental sheet.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
- (e) Works to be located _____
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream _____
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered _____
- (h) Use will begin about _____ and end about _____, of each year.
Month Month
- (i) Remarks _____

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works

6. Estimated time required to construct works

7. Remarks

For use of applicant

, Applicant.

By

Compared

This sheet inspected

, Engineer.

PROTESTED Aug. 15, 1935, by Southern Pacific Co., Care Brown & Belford, Reno, Nev.

OF STATE ENGINEER

(Withdrawn 9/9/35)

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use must be filed with State Engineer on or before

Cancelled

OCT 20 1943

WITNESS MY HAND AND SEAL this day of

of

State Engineer.

APPLICATION FOR PERMIT TO CHANGE THE POINT
OF DIVERSION AND PLACE OF USE OF THE PUBLIC
WATERS OF THE STATE OF NEVADA ALREADY APPROPRIATED.

9877

Date of first receipt and filing in State Engineer's office JUL -6 1935
Returned to applicant for correction _____
Corrected application filed _____

The undersigned, Chas. C. Derby of San Jose, Santa Clara County, State of California, hereby makes application for permission to change the point of diversion of the public waters of the State of Nevada, as hereinafter stated.

1. The source of water supply proposed to be changed is Humboldt River
2. The amount of water desired transferred or changed is approximately 30 second feet or 10,800 acre feet more or less, or that amount of water due or allocated to applicant's lands under the transfer to Pershing County Water Conservation District of Nevada, by virtue of the Application and Permits Nos. 9729, 9730, 9731, 9732, 9733, 9734 and 9735 heretofore granted by the State Engineer of Nevada to said Pershing County Water Conservation District of Nevada.
3. The water to be used for irrigation, stock watering and domestic purposes.
4. The water is to be diverted from its source at the following point: (SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 31, T. 26 N. R. 32 E., M.D.B.&M. or at a point where the west quarter corner of Sec. 6 T. 25 N. R. 32 E. bears South 23° 11' west 2602 ft. and Sommer-Derby ditch serving the lands of applicant, map showing said point of diversion filed herewith; reference to which is hereby made.
5. The existing points of diversion under the former transfers and permits no. 9729 to 9735 both inclusive, are as follows:

Young Ditch - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21. T. 28 N. R. 32 E. M.D.B.&M.

Old Channel, Southwest, and Union Canal Ditches
at center of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 6 T. 27 N. R. 32 E.
M.D.B.&M.

Irish-American Ditch - SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 7, T. 27 N.
R. 32 E. M.D.B.&M.

Rodgers Ditch - Center of NE $\frac{1}{4}$ of Sec. 24, T. 27 N.
R. 31 E. M.D.B.&M.

Lovelock Land & Development Co. ditch - NW $\frac{1}{4}$ of NE $\frac{1}{4}$
of Sec. 11 T. 25 N. R. 31 E. M.D.B.&M.

If water is to be used for Irrigation supply the
following information:

6. The water herewith desired to be changed has been beneficially and continuously used by the predecessors to the Pershing County Water Conservation District of Nevada, from whom the water was purchased and transferred under applications and Permits 9729 to 9735 both inclusive, reference to which applications and the description of the land upon which said water was beneficially and continuously used, is hereby made, and which by reference is made a part of this application.
7. The number of acres heretofore irrigation is the land heretofore irrigated under applications and permits Nos. 9729 to 9735 both inclusive, which by reference is made a part of this application.

8. The number of acres proposed to be irrigated is land belonging to applicant within the Pershing County Water Conservation District of Nevada, and approximately 3200 acres.

9. Description of land proposed to be irrigated is:

Secs. 3-5-9-17 T. 25 N. R. 31 E. and Sec.
13. T. 25 N. R. 30 E., M.D.B.&M.

10. Use will begin about March 15th and end about September 15th of each year.

DESCRIPTION OF PROPOSED WORKS.

Water is to be diverted by means of a dam in the Humboldt River and Sommer-Derby ditch as shown by accompanying map.

11. Estimated cost of works - \$6000.00

12. Estimated time required to construct works - 3 years

13. REMARKS:

The lands of applicant are and always have been within the Pershing County Water Conservation District of Nevada, but applicant has no water right under the final decree entered in the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Its Tributaries, dated October 20th, 1931, as amended December 26th, 1934 and therefore did not have a point of diversion at the time of the transfers granted under Permits 9729 to 9735 both inclusive; hence the application for permission to change the point of diversion should be granted to give applicant a point of diversion for the use of such water as shall be allocated to his land under the transferred water to the Pershing County Water Conservation District of Nevada, under applications and permits Nos. 9729 to 9735 both inclusive.

Chas. C. Derby
Applicant.

John A. Jurgenson
Attorney for Applicant

Compared H.B.-C.T.

This sheet inspected _____

Engineer.

Map Filed June 29, 1935

Protested August 15, 1935 by Southern Pacific Co. (Withdrawn 9/9/35)

APPROVAL OF STATE ENGINEER

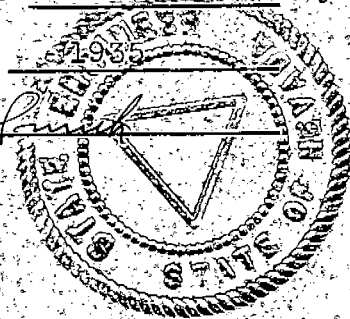
This permit to change the point of diversion or 30 c.f.s. or 10,800 acre feet more or less or that amount of water appurtenant to or allocated to applicants lands under and by virtue of application and permits Nos. 9729, 9730, 9731, 9732, 9733, 9734, and 9735 of Pershing County Water Conservation District to change the point of diversion and place of use of the waters of the Humboldt River, is granted subject to the conditions imposed in said permits and with the understanding that no prior rights will be affected by the change proposed herein. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be changed shall be limited to 30 cubic feet per second or 10,800 acre feet within the irrigation season for the various classes of culture above specified, or any amount of water that may hereafter be decreed to such lands.

Actual construction work shall begin on or before April 1, 1936. Proof of commencement of work shall be filed on or before May 1, 1936. Work must be prosecuted with reasonable diligence and completed on or before April 1, 1939. Proof of Completion of Work shall be filed before May 1, 1939. Application of water to beneficial use shall be made on or before April 1, 1941. Proof of application of water to beneficial use must be filed with the State Engineer on or before May 1, 1941.

WITNESS MY HAND AND SEAL this 4th day
of October, 1935

Alfred Merritt Smith
State Engineer



Proof of commencement of work filed DEC 2 1937

Proof of completion of work filed AUG 9 1939

